

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Anthony B. Cistrunk,

Civil No. 08-2203 (DWF/RLE)

Plaintiff,

v.

**ORDER**

W. Johnson, M. Orn, D. Baker,  
and E. Alexander,

Defendants.

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Anthony B. Cistrunk, *Pro Se*, Plaintiff.

David W. Fuller, Assistant United States Attorney, United States Attorney's Office,  
counsel for Defendants.

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Based upon the Report and Recommendation of Chief United States Magistrate  
Judge Raymond L. Erickson, and after an independent review of the files, records and  
proceedings in the above-entitled matter,

**IT IS HEREBY ORDERED** that:

1. The Plaintiff's Complaint is **DISMISSED**, pursuant to Title 28 U.S.C.  
§1915A(b), Title 42 U.S.C. §1997e(c)(1), and Title 28 U.S.C. §1915(e)(2)(B)(ii), but  
**WITHOUT PREJUDICE**.

2. The Defendants' Motion to Dismiss, or for Summary Judgment (Doc. No. 15) is **DENIED, AS MOOT.**

Dated: August 31, 2009

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge